

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

PATRICIA WITT,

Plaintiff,

v.

STANLEY FUHRMAN; KAG WEST LLC;
THE KROGER CO., & FRED MEYER
STORES, INC.

Defendants.

Case No.: 19CV06276

CLAIM FOR RELIEF
(PERSONAL INJURY)

CLAIM NOT SUBJECT TO
MANDATORY ARBITRATION
Claim in the amount of \$373,000.00
Fee Authority: ORS 21.160(1)(c)

Plaintiff complains and alleges that:

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During all times herein mentioned, KAG West LLC, was and is a Foreign Limited Liability Company authorized to do business as a transport company within the State of Oregon and their principal place of business is located at 4366 Mt. Pleasant St. NW, North Canton, OH 44720. During all times herein mentioned, Stanley Fuhrman, was an employee of KAG West LLC, and was working within the course of scope of his employment driving a work vehicle owed by Kag West LLC.

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During all times herein mentioned, The Kroger Co. & Fred Meyer Stores, Inc., were and are foreign business corporations authorized to do business within the State of Oregon and owned a Fred Meyer store located at 15995 SW Walker Road in City of Beaverton, County of Washington, State of Oregon.

On or about February 24, 2017, Plaintiff was stopped in her vehicle at the Fred Meyer gas station located at 15995 SW Walker Road in said City, County and State.

On or about February 24, 2017 Defendant Fuhrman was driving a refueling tanker at the above referenced Fred Meyer gas station in said City, County and State.

On or about February 24, 2017, a collision occurred between the vehicles when Stanley Fuhrman collided into Plaintiff's vehicle causing damage to both vehicles and injuries to Plaintiff.

Said collision resulted from the negligent acts of Defendants Stanley Fuhrman and KAG West LLC as hereinafter set forth, causing personal injury to Plaintiff as hereinafter set forth.

Defendants were negligent in the following particulars:

1. In failing to keep and maintain a proper lookout;
2. In failing to maintain proper control of the vehicle;
3. In driving while distracted;
4. In failing to properly train drivers to avoid collisions near gas station

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1 pumps; and

- 2 5. In failing to have proper mirrors on the truck to allow drivers to properly
3 see other vehicles on the roadway.

4 7

5 Said collision resulted from the negligent acts of Defendants The Kroger Co. &
6 Fred Meyer Stores Inc. as hereinafter set forth, causing personal injury to Plaintiff as
7 hereinafter set forth.

8 Defendants were negligent in the following particulars:

- 9 1. In failing to properly instruct refueling tank drivers on the manner in
10 which they can safely deliver fuel without colliding into customers fueling
11 their vehicles;
12 2. In failing to properly cone off areas when trucks are refueling the tanks to
13 allow trucks adequate room when refueling the tanks to avoid collisions
14 with vehicles that are refueling;
15 3. In failing to properly warn Stanley Fuhrman that Plaintiff's vehicle was
16 parked near an area he had to travel to refuel the tanks;
17 4. In failing to assist Stanley Fuhrman while he was driving near paying
18 customers to help him avoid colliding into Plaintiff.

19 The negligent acts of the Defendants as hereinabove alleged were the sole, direct and
20 proximate cause of the collision between the vehicles as hereinabove referred to.

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22 As a sole, direct and proximate result of the negligent acts of the Defendants, and each of
23 them, as hereinabove alleged, and of the collision hereinabove alleged, Plaintiff sustained the
24 following injuries:

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1. Back strain/sprain;
2. Neck strain/sprain;
3. Migraine headaches;
4. Dizziness;
5. Hip strain/sprain;
6. Balance issues;
7. General body stiffness; and
8. Mental upset and anguish.

Some of said injuries Plaintiff sustained may be permanent in nature.

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As a direct and proximate result of the negligent acts of the Defendants, and each of them, and of the injuries hereinabove referred to, Plaintiff has incurred economic losses in the form of medical expenses in the amount of \$20,000.00; and future medical expenses in the amount of \$50,000.00.

As a direct and proximate result of the negligent acts of the Defendants, and each of them, and of the injuries hereinabove referred to, Plaintiff has incurred economic losses in the form of wage loss in the amount of \$3,000.00; Plaintiff also incurred loss of earning capacity in the amount of \$150,000.00.

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By virtue of the negligent acts of the Defendants, and each of them, and the injuries hereinabove referred to, Plaintiff has suffered pain and agony and will for the balance of her life continue to suffer pain and agony and interference with usual and normal activities and extreme emotional distress, entitling her to non-economic damages in the amount of \$150,000.00.

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2 Plaintiff demands a jury trial.

3 WHEREFORE, Plaintiff prays for judgment against the Defendants, and each of them,
4 for economic damages in the amount of \$223,000.00 and for non-economic damages in the
5 amount of \$150,000.00, together with her costs and disbursements.

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7 Dated this 10th day of February, 2019.

8 SWANSON, LATHEN, PRESTWICH, P.C.

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10 By: 

11 Brian N. Lathen, OSB #043374
12 of Attorneys for Plaintiff
13 e-mail: blathen@slamlaw.com

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